



1 Cynthia Alexander, Esq.  
 Nevada Bar No. 6718  
 2 Aaron D. Ford, Esq.  
 Nevada Bar No. 7704  
 3 Justin R. Cochran, Esq.  
 Nevada Bar No. 11939  
 4 SNELL & WILMER L.L.P.  
 3883 Howard Hughes Parkway  
 5 Suite 1100  
 Las Vegas, NV 89169  
 6 Telephone (702) 784-5200  
 Facsimile (702) 784-5252  
 7 Email: [calexandder@swlaw.com](mailto:calexandder@swlaw.com)  
       [aford@swlaw.com](mailto:aford@swlaw.com)  
       [jcochran@swlaw.com](mailto:jcochran@swlaw.com)

9 *Attorneys for Defendants Wells Fargo Bank, N.A. d/b/a America's*  
 10 *Servicing Company, sued here as America's Servicing Company,*  
 and *Mortgage Electronic Registration Systems, Inc.*

11 UNITED STATES DISTRICT COURT  
 12 DISTRICT OF NEVADA

14 JOHN W. WITTRIG,  
 15 Plaintiff,

16 vs.

17 FIRST NATIONAL BANK OF NEVADA;  
 18 FIRST AMERICAN TITLE  
 INSURANCE COMPANY; MORTGAGE  
 19 ELECTRONIC REGISTRATION  
 SYSTEMS, INC. [MERS]; QUALITY  
 20 LOAN SERVICE CORP.; AMERICA'S  
 SERVICING COMPANY; LSI TITLE  
 21 AGENCY, INC.; ROBERT STONE; U.S.  
 BANK NATIONAL ASSOCIATION AS  
 22 TRUSTEE FOR CSMC MORTGAGE-  
 BACKED PASS-THROUGH  
 23 CERTIFICATES, SERIES 2007-3; and  
 DOES 1-25 CORPORATIONS, DOES and  
 24 ROES 1-25 Individuals, partnerships, or  
 anyone claiming any right, title, estate, lien  
 25 or interest in the real property described  
 herein.

26 Defendant.

Case No. 3:11-CV-00131-ECR-VPC

STIPULATION AND ORDER FOR  
 EXTENSION OF TIME TO  
 COMPLETE DISCOVERY

(First Request)

Snell & Wilmer

LLP  
 LAW OFFICES  
 3883 HOWARD HUGHES PARKWAY, SUITE 1100  
 LAS VEGAS, NEVADA 89169  
 (702) 784-5200

1 Pursuant to LR 26-4, the parties, by and through their respective counsel of record, and for  
2 good cause shown, hereby stipulate to extend the time to complete discovery as set forth below.

3 **(a) Discovery Completed**

4 Plaintiff John W. Wittrig ("Plaintiff") served his initial disclosures on September 12,  
5 2011. Defendants Wells Fargo Bank, N.A. d/b/a America's Servicing Company, sued here as  
6 America's Servicing Company ("Wells Fargo") and Mortgage Electronic Registration Systems,  
7 Inc., ("MERS") served their initial disclosures on August 31, 2011, and Defendants Quality Loan  
8 Service Corporation ("Quality") and LSI Title Agency, Inc. ("LSI") (collectively, "Defendants")  
9 served their initial disclosures on August 26, 2011. Additionally, Wells Fargo and MERS  
10 propounded the following written discovery requests on September 1, 2011: Request for  
11 Admissions, Request for Production of Documents, and Interrogatories ("Requests"). Plaintiff  
12 responded to those Requests on September 21, 2011.

13 **(b) Discovery Remaining to be Completed**

14 Plaintiff's deposition is currently set for October 10, 2011, however, due to a scheduling  
15 conflict, Plaintiff's counsel is no longer available on that day. The Parties will continue to work  
16 together to find a mutually agreeable date for Plaintiff's deposition.

17 **(c) Reasons Why Discovery was not Completed**

18 Defendants and Plaintiff submit to the Court that good cause exists to extend the  
19 discovery deadline. On March 7, 2011, Quality filed a Motion to Dismiss. Additionally, Wells  
20 Fargo and MERS filed their Motion to Dismiss Plaintiff's Complaint to Quiet Title and other  
21 Equitable Relief and to Expunge Lis Pendens ("Motion to Dismiss") on April 15, 2011. To date,  
22 the Court has not made a ruling on either of the Motions to Dismiss. Because the Motions to  
23 Dismiss have not yet been ruled on at this juncture, the Parties wish to preserve Defendant's  
24 ability to take Plaintiff's deposition. The Court will need time to review the briefing on these  
25 Motions, thus the Parties believe that good cause exists to grant a continuance of discovery and  
26 dispositive motion deadlines, based on the aforementioned.

27 Moreover, Plaintiff's counsel recently advised Wells Fargo and MERS' counsel that he  
28 would be unable to attend the deposition, noticed on September 7, 2011, for October 10, 2011.

1 And because Wells Fargo and MERS' counsel begin trial on October 18, 2011, the deposition  
 2 cannot be scheduled within the next few weeks. These events, combined with the pending  
 3 Motions to Dismiss, prompted counsel to request this discovery extension.

4 The extension of discovery deadlines will not affect the trial date; therefore, the Court  
 5 will not need to issue a new scheduling order.

6 **(d) Proposed Schedule for Completing Remaining Discovery**

7 Defendants and Plaintiff propose that the discovery cut-off date be moved from October  
 8 12, 2011, to **December 12, 2011** to allow for the taking of Plaintiff's deposition only. The parties  
 9 further propose that the cut-off date by which dispositive motions shall be filed be moved from  
 10 November 11, 2011 to **January 11, 2012**. Lastly, Defendants and Plaintiff propose that the date  
 11 to file the Pretrial Order be moved from December 12, 2011 to **February 10, 2012**.

12 **(e) Conclusion**

13 The parties respectfully submit that the parties need additional time to conduct Plaintiff's  
 14 deposition and await the Court's decision on the Motions to Dismiss. The reasonable extension  
 15 sought will not impact the trial because a trial date has not yet been set. As such, the parties  
 16 respectfully request that the Court amend its current Scheduling Order to accommodate the  
 17 reasonable extension requested above.

18 DATED: October 7, 2011

DATED: October 7, 2011

19 LAW OFFICE OF RICK LAWTON

SNELL & WILMER LLP

20 By: /s/ Rick Lawton  
 21 Rick Lawton, Esq.  
 22 1460 US Highway 95A N., #1  
 23 Fernley, Nevada 89408-4604

24 *Attorney for Plaintiff*

By: /s/ Justin Cochran  
 Cynthia L. Alexander, Esq.  
 Aaron D. Ford, Esq.  
 Justin R. Cochran, Esq.  
 3883 Howard Hughes Parkway, Suite 1100  
 Las Vegas, NV 89169  
 Attorneys for Defendants Wells Fargo  
 Bank, N.A. d/b/a America's Servicing  
 Company, sued here as America's  
 Servicing Company and Mortgage  
 Electronic Registration Systems, Inc

1 DATED: October 7, 2011

2 MCCARTHY & HOLTHUS LLP

3  
4 By: /s/ Christopher Hunter  
5 Kristin A. Schuler-Hintz, Esq.  
6 Christopher M. Hunter, Esq.  
7 9510 W. Sahara Avenue, Suite 110  
8 Las Vegas, Nevada 89117

9 *Attorneys for Defendants Quality Loan  
10 Service Corporation and LSI Title Agency,  
11 Inc.*

12 ORDER

13 IT IS SO ORDERED. *This is the final extension of  
14 the scheduling order. VPC*

- 15 1. The new discovery cut-off date shall be December 12, 2011 and shall be used to  
16 take Plaintiff's deposition only.
- 17 2. The new deadline to file dispositive motions shall be January 11, 2012.
- 18 3. The new deadline to file the pretrial order shall be February 10, 2012.

19 Dated this 14 day of October, 2011.

20 *Valerie P. [Signature]*  
21 UNITED STATES MAGISTRATE JUDGE

22 Submitted by:

23 SNELL & WILMER L.L.P.

24 By: /s/ Justin R. Cochran  
25 Cynthia L. Alexander, Esq.  
26 Aaron D. Ford, Esq.  
27 Justin R. Cochran, Esq.  
28 3883 Howard Hughes Parkway, Suite 1100  
Las Vegas, NV 89169  
*Attorneys for Defendants Wells Fargo Bank, N.A.  
d/b/a America's Servicing Company, sued here as  
America's Servicing Company and Mortgage  
Electronic Registration Systems, Inc.*

Snell & Wilmer

LLP  
LAW OFFICES  
3883 HOWARD HUGHES PARKWAY, SUITE 1100  
LAS VEGAS, NEVADA 89169  
(702)784-5200